

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PATRICIA A. LONG and  
AMARIS J. LONG,

Plaintiffs,

vs.

PEND OREILLE COUNTY  
SHERIFF'S DEPARTMENT, et al.,

Defendants.

No. CV-04-344-AAM

**ORDER DENYING  
MOTIONS FOR ORDER  
QUASHING SUBPOENAS  
AND FOR PROTECTIVE  
ORDER**

**BEFORE THE COURT** are the plaintiffs' Motion For Order Quashing Subpoenas and Motion For Protective Order (Ct. Rec. 23 and 24).

Defendants have issued subpoenas for medical records to medical providers of plaintiff Patricia Long which she identified in answers to interrogatories propounded by defendants. Plaintiff assert the information sought by the subpoenas is overbroad and in turn, that much of the information sought is irrelevant to the issues in this litigation. Plaintiff Long asserts "the only information necessary to the defense and prosecution of this case would be medical records pertaining to 1) [her] sensitive heart syndrome; 2) acid reflux disease; and 3) damage to Plaintiff's thumb by the arresting officer."

Plaintiff has placed her medical condition into issue in this litigation. She seeks to recover

**ORDER DENYING MOTIONS TO QUASH  
SUBPOENAS AND FOR PROTECTIVE ORDER- 1**

1 damages for physical conditions allegedly caused by the defendants, as well as emotional conditions.  
2 In an answer to one of the defendants' interrogatories, plaintiff indicates she has "suffered  
3 continuous stress for a period of 2 years from defendants' actions." Plaintiff is only to entitled to  
4 recover damages for conditions proximately caused by actions of the defendants found to be  
5 unconstitutional. Therefore, defendants are entitled to a broad scope of discovery with regard to  
6 medical information about the plaintiff. Said information is potentially relevant to plaintiff's claim  
7 and specifically, the issue of causation (i.e., are defendants' actions the sole proximate cause of  
8 plaintiff's physical and emotional condition, or was there a different cause or contributing causes?).  
9 Fed. R. Civ. P. 26(b)(1). The information need not be admissible at trial. Relevant information is  
10 discoverable if it "appears reasonably calculated to lead to the discovery of admissible evidence.  
11 *Id.*

12 The court is aware that medical information pertaining to sexually transmitted diseases,  
13 psychiatric/psychological treatment, and drug/alcohol abuse is especially sensitive. If there is any  
14 such information in the records requested<sup>1</sup>, counsel for defendants understand their ethical obligation  
15 to use the information within the strict and legitimate confines of this litigation. With that caveat,  
16 plaintiffs' Motion For Order Quashing Subpoenas and Motion For Protective Order (Ct. Rec. 23 and  
17 24) are **DENIED**. The parties shall bear their own fees and costs related to these motions.

18 **IT IS SO ORDERED.** The District Executive is directed to enter this order and forward  
19 copies to counsel of record and to the pro se plaintiffs.

20 **DATED** this 20<sup>th</sup> of June, 2005.

21  
22 s/ Alan A. McDonald  
23 ALAN A. McDONALD  
24 Senior United States District Judge  
25

26 \_\_\_\_\_  
27 <sup>1</sup> From the medical providers listed in answers to interrogatories, it is not apparent that  
28 plaintiff has undergone any psychiatric or psychological treatment.